

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 20087
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On January 26, 2007, the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination to [Redacted] (petitioner) proposing additional income tax, penalty, and interest for the taxable years 1999 through 2004 in the total amount of \$49,015. The petitioner filed a timely protest and petition for redetermination. The petitioner did not request an informal hearing or provide additional information. The Commission, having reviewed the file, hereby issues its decision.

Based upon information available to the Commission's Tax Discovery Bureau (Bureau), the Bureau believed that the petitioner, as a sole proprietor, was conducting a [Redacted] business within Idaho during the years 1999 through 2004. The Bureau could find no record of the petitioner's 1999 through 2004 Idaho individual income tax returns. On September 15, 2006, the petitioner was sent a letter in an attempt to clarify the petitioner's filing status with Idaho. The petitioner did not respond.

[Redacted]. The Bureau averaged income information it obtained for 2002 and 2003 to estimate the petitioner's income for 2001.

Because the taxpayer did not file his Idaho income tax returns or respond to the Bureau's September 15, 2006, letter, the Bureau prepared returns for tax years 1999 through 2004 as evidenced by the issuance of the NODD dated January 26, 2007.

On March 30, 2007, the last day on which to file a petition for redetermination, the petition was hand delivered to the Commission by the petitioner's representative. In the petition for redetermination, it was stated that the NODD "sets forth income amounts that are not correct" and that the NODD "does not allow for actual deductions for the amounts which were legitimate business expenses."

The Commission has not been successful in its attempt to schedule a hearing as provided for in Idaho Code section 63-3045, nor has the petitioner provided any additional information or filed actual returns for the years at issue. The petitioner has provided nothing that would dissuade the Tax Commission from accepting the Bureau's determination of the petitioner's Idaho income tax liability for tax years 1999 through 2004.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986). Having presented no information in support of his argument, the petitioner has failed to meet his burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984). Furthermore, the Commission sustains the imposition of the Idaho Code section 63-3046(c) penalty.

WHEREFORE, the Notice of Deficiency Determination dated January 26, 2007, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the petitioner pay the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1999	\$3,833	\$ 958	\$2,133	\$ 6,924
2000	2,747	687	1,308	4,742
2001	7,760	1,940	3,101	12,801
2002	7,822	1,956	2,623	12,401
2003	7,545	1,886	2,130	11,561
2004	2,613	653	582	<u>3,848</u>
			TOTAL DUE	<u>\$52,277</u>

Interest is calculated through September 15, 2008, and will continue to accrue after that date at the rate set forth in Idaho Code section 63-3045.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of the petitioner's right to appeal this decision is enclosed.

DATED this _____ day of _____, 2008.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 2008, a copy of the within and foregoing DECISION was served by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]
[REDACTED]

Receipt No.
